

Serial No.: 10/005,193  
Response to FOA of 03/25/05

### Remarks

In the present RCE, please enter the following amendments. Specifically, four claims (1, 7, 18, 38) are amended; three claims (6, 37, 41) are canceled; and two claims (42, 43) are newly added. Applicants believe that no new matter is entered.

#### **I. Claim Rejections: 35 USC § 103**

Claims 1-5, 8, 9, 18, 20, 21, 36, 37, 39, 40 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,751,343 (hereafter Ferrell) in view of USPN 6,754,667 (hereafter Kim) and further in view of USPN 6,598,054 (hereafter Schuetze). Applicants traverse.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicants assert that the rejection does not satisfy these criteria.

#### **Claims 1 and 18**

Claims 1 and 18 recite numerous limitations that are not taught or suggested in the art of record. By way of example, claims 1 and 18 recite "computing, by a Fourier-Mellin Transform (FMT), a match descriptor." This limitation previously appeared in claim 6. The Office Action cites "The Fourier Transform and Its Applications" (hereafter Bracewell) for teaching this limitation. Applicants respectfully traverse.

Bracewell teaches applications for Fourier transforms. Bracewell, however, does not teach using Fourier-Mellin Transforms to compute a match descriptor for **images** as recited in claims 1 and 18. Further, Applicants respectfully submit that no motivation or suggestion exists for using FMTs to compute match descriptors for images as recited in elements of claims 1 and 18.

As another example, claims 1 and 18 recite wherein the predetermined metric defines a ratio of a number of elements common to two sets and a total number of unique

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elements in the two sets. This limitation previously appeared in claims 37 and 41. The Office Action cites "On the Resemblance and Containment of Documents" (hereafter Broder) for teaching this limitation. Applicants respectfully traverse.

Broder teaches the mathematical notations of resemblance  $r(A, B)$  and containment  $c(A, B)$  "given two documents A and B" (see Abstract: emphasis added by Applicants). Broder further states:

We view each document as a sequence of tokens. We can take tokens to be letters, or words, or lines. From a mathematical point of view all what we need is for the set of tokens to be countable.  
(See first paragraph of section 2).

Nowhere does Broder teach or suggest using the mathematical notations for images. Instead, Broder teaches using such mathematical notations for documents. Further, Applicants respectfully submit that no motivation or suggestion exists for using the teachings in Broder with respect to images as recited in elements of claims 1 and 18.

For at least these reasons, claims 1 and 18 are allowable over the art of record. The dependent claims are allowable for at least these reasons.

## **II. Claim Rejections: 35 USC § 103 (Claims 6 and 7)**

Claims 6 and 7 are rejected under 35 USC § 103(a) as being unpatentable over Ferrell in view of Kim in further in view of Bracewell.

Bracewell fails to cure the deficiencies of Ferrell and/or Kim. For at least the reasons given in connection with claim 1 in Section I, claim 7 is allowable over Ferrell in view of Kim in further in view of Bracewell. Claim 6 is canceled.

## **III. Claim Rejections: 35 USC § 103 (Claim 10)**

Claim 10 is rejected under 35 USC § 103(a) as being unpatentable over Ferrell in view of Kim in further in view of Gionis.

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Gionis fails to cure the deficiencies of Ferrell and/or Kim. For at least the reasons given in connection with claim 1 in Section I, claim 10 is allowable over Ferrell in view of Kim in further in view of Gionis.

#### **IV. Claim Rejections: 35 USC § 103 (Claims 38 and 41)**

Claims 38 and 41 are rejected under 35 USC § 103(a) as being unpatentable over Ferrell in view of Kim, Schuetze, and Broder.

Broder fails to cure the deficiencies of Ferrell and/or Kim. For at least the reasons given in connection with claim 1 in Section I, claims 38 and 41 are allowable over Ferrell in view of Kim, Schuetze, and Broder.

#### **V. New Claims**

Applicants submit new claims 42-43. These claims have numerous limitations that are not taught or suggested in the art of record.

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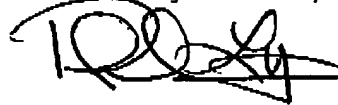
### CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,



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#### CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 703-872-9306 on this 23<sup>rd</sup> day of May, 2005.

By Be Henry  
Name: Be Henry